

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Roger Jackson,

Petitioner,

-vs-

Gr[an]d F[orks] [County] Correction[al]
Center,

Respondent.

Case No. 2:14-cv-107

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge, recommending that the court find that Petitioner Roger Jackson is not entitled to relief and that his petition for habeas relief be dismissed without prejudice.¹ Jackson has not objected to the Report and Recommendation within the prescribed time period.

After reviewing the record and considering the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the claims and recommendations for disposition are appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. For the reasons stated therein, Jackson's petition for habeas relief is **DISMISSED without prejudice**.

The court finds that any appeal would be frivolous, cannot be taken in good faith, and may not be taken *in forma pauperis*. Moreover, a certificate of appealability will not be issued by this court because dismissal of the petition is not debatable, reasonably subject

¹ Doc. #13.

to a different outcome on appeal, or otherwise deserving of further proceedings. If Jackson desires further review of his petition, he may request the issuance of a certificate of appealability by a circuit judge of the Eighth Circuit Court of Appeals in accordance with Tiedeman v. Benson.²

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 4th day of June, 2015.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court

² 122 F.3d 518, 520-22 (8th Cir. 1997).